

REMARKS

Applicants thank the Examiner for an informal telephonic interview held September 7, 2005, in which she indicated potentially allowable subject matter. The Office Action mailed September 27, 2005 indicates that an Interview Summary was attached to the Office Action, but applicants did not receive one. Applicants also acknowledge the conclusion at page 4 of the Office Action that claims 27-31 (which recite specific SEQ ID numbers) are allowable over the prior art of record. Claim 1 has been amended to be of the same scope as claim 27, and other claims have been amended accordingly. Entry of the present Reply/Amendment is respectfully requested, since it would reduce the issues raised in the final Office Action of September 27, 2005, and is in response to suggestions by the Examiner in the informal telephonic interview and to the statement by the Examiner in the Office Action that the amended claims would be free of the prior art.

Claims 1, 4, 12 and 29-31 have been amended to address concerns raised by the Examiner. The amendments do not add new matter and are fully supported by the specification. In addition to the claims which were previously canceled, claims 2 and 27 have been canceled, as being duplicative of amended claim 1; claim 25 as being duplicative of claim 23; and claim 28 as being duplicative of amended claim 4. These claims are canceled without prejudice or disclaimer. Claims 1, 3-17, 20, 22-24, 26 and 29-31 are currently under consideration.

Restriction and election of species

With regard to the species election, applicants request that if no prior art is found against the elected species, additional species be examined and, if no art is found against them, the generic claim, and dependent claims directed to specific species, be allowed. Furthermore, it is noted that claim 1 recites a generic recombinant multimeric protein, comprising two polypeptide fusion monomers, A and B, each of which comprises a C-terminal fragment of either the α or β chain of C4BP and "a polypeptide fragment which is heterologous to the [α or β chain, respectively]." Applicants urge that if a recombinant multimeric protein comprising the recited fragments of the α and β chains of C4BP is free of the prior art of record, such a recombinant multimeric protein

would be free of the prior art, regardless of which heterologous polypeptide fragments are present in the multimer; therefore, additional searches should not be required.

With regard to claim 20, applicants request that, once claim 1, from which it depends, is found allowable, claim 20 be rejoined, per *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995).

Rejections under 35 U.S.C. §112, second paragraph

Applicants disagree that the term "contained in SEQ ID NO:____" is indefinite. Nevertheless, at the suggestion of the Examiner in an informal interview held September 7, 2005, claims which recite a particular SEQ ID number have been amended to recite "contained within the amino acid sequence represented by SEQ ID NO:____." The fragment can be any fragment within the amino acid sequence of the recited SEQ ID number, provided that the fragment fulfills the requirement of the claim that it contains one or two cysteine residues which can participate in a disulfide bridge between the two chains. The amendment does not narrow the scope of the claims.

The Examiner appears to be concerned with an apparent discrepancy between claims that recite "a ligand of the immune system" (e.g. claims 28-31) and "a specific ligand of the immune system" (e.g. claim 4). Applicants disagree that the recitation of the term "specific" is indefinite in this context. Nevertheless, in an effort to expedite prosecution, the term "specific" has been deleted from claim 4. A skilled worker would know, in light of the specification, what is meant by the term "ligand of the invention." Typical examples of suitable ligands of the immune system are provided in the specification, e.g. at page 6, first full paragraph. The amendment does not narrow the scope of the claim.

Deposit requirement

Documentation that a deposit was made in accordance with the terms of the Budapest Treaty was included with the Amendment filed September 27, 1999. Another copy of the documentation is enclosed for the convenience of the Examiner.

Rejections under 35 U.S.C. § 102(b)

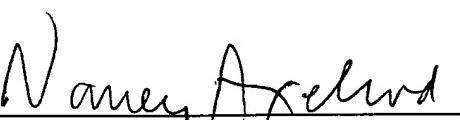
Applicants disagree with the allegation that claim 1 and others, as presented in the Reply of June 16, 2005, are anticipated by WO91/11461, for reasons of record. Nevertheless, in an effort to expedite prosecution, the present claims have been amended to recite that the C-terminal fragments of the α and β chains of C4BP (which are present in polypeptide fusion monomers A and B) are contained within amino acid sequences represented by SEQ ID NO:7 and SEQ ID NO:8, respectively. The reference does not suggest or disclose the particular, selected sequences which are recited in the claims. To anticipate a claim, a reference must disclose all material elements of the claim, which is clearly not the case here. The Examiner has indicated in the "Conclusion" of the Office Action that claims of the present scope are free of the prior art of record. Therefore, it is requested that the rejection under 35 U.S.C. § 102(b) be withdrawn.

In view of the preceding arguments and amendments, it is believed that the application is in condition for allowance, which action is respectfully requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 31640-134353.

Respectfully submitted,

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